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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,065	07/25/2003	Paul Zieske	D1-5924	4163
29200	7590 11/23/2005		EXAMINER	
BAXTER HEALTHCARE CORPORATION			PESELEV, ELLI	
1 BAXTER PA DF2-2E	ARKWAY		ART UNIT	PAPER NUMBER
DEERFIELD,	IL 60015		1623	
			DATE MAIL ED: 11/23/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
Office Action Summary		10/628,065	ZIESKE ET AL.		
		Examiner	Art Unit		
		Elli Peselev	1623		
Period fo	- The MAILING DATE of this communication app	pears on the cover sheet with the c	orrespondence address		
A SH WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPL CHEVER IS LONGER, FROM THE MAILING D. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. In period for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	lely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status					
2a)⊠	Responsive to communication(s) filed on <u>21 C</u> This action is FINAL . 2b) This Since this application is in condition for allowa closed in accordance with the practice under E	s action is non-final. nce except for formal matters, pro	•		
Dispositi	on of Claims		. •		
5)⊠ 6)⊠ 7)□ 8)□	Claim(s) 1-3, 5-8, 10-22, 24-26, 28-35 and 37-4a) Of the above claim(s) is/are withdraw Claim(s) 8, 11-21, 24-26, 28-35 and 37-39 is/a Claim(s) 1-3,5-7,10,22 and 40-43 is/are rejected Claim(s) is/are objected to. Claim(s) are subject to restriction and/or on Papers The specification is objected to by the Examine	wn from consideration. are allowed. ed. or election requirement.	on.		
10)	The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) objected to by the for drawing(s) be held in abeyance. See tion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority ι	ınder 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
2) Notic 3) Infor	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:			

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Claims 1-3 and 5-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The terminology "having a pH of less than 3.8" (claim 1) is not disclosed or suggested by the specification as originally filed.

Applicant's arguments filed October 21, 2005 have been fully considered but they are not persuasive.

The specification on pages 5 and 9 provides support for the pH being in the range from about 2.8 to about 3.8. The pH of less that 3.8 encompasses pH of less than 2, for which there is no support in the specification as originally filed. Further, there is no indication or evidence that applicant at the time of the present invention contemplated a pH of less than 2 for the first acidic solution as claimed.

Claims 10, 22 and 40-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is indefinite in that in depends from the cancelled claim 9.

Claim 22 is indefinite in that it is not clear whether the terminology "acidic concentrate" refers to acidic dextrose concentrate or acidic buffer concentrate.

The terminology "and the solution has a pH of from about 2.8 to about 3.8" (claim 40) renders the claims indefinite in that it is not clear from the claims that said terminology refers to acidic dextrose concentrate.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 8.00-4.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elli Peselev

ELLI PESELEV PRIMARY EXAMINER GROUP 1200 Page 4